\* BEFORE THE IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE \* ZONING COMMISSIONER E/S Tartarian Court 170 ft. +/- N of Caledonia Ave. \* OF BALTIMORE COUNTY 3229 Tartarian Court 13th Election District \* Case No. 91-213-A 1st Councilmanic District Herbert Balzanna, et ux Petitioners \* \* \* \* \* \* \* \* \* \*

AMENDED ORDER WHEREAS, an Order was issued in the above captioned case on January 16, 1991 granting the Petitioner's request for a zoning variance, subject to restrictions set forth therein; and

WHEREAS, as a result of a clerical error, Restriction #2 on page

2 of the subject Order erroneously contained the words "bathroom or". NOW, THEREFORE, by Order of the Zoning Commissioner of Baltimore County, Restriction No. 2 shall be amended to read, as follows:

"2. The Petitioners shall not allow or cause the addition to be converted to a second dwelling unit and/or apartment. There shall be no kitchen facilities."

IT IS FURTHER ORDERED, that all other terms, conditions and restrictions of the original Order of January 16, 1991 shall remain in full force and effect except as amended herein.

for Baltimore County

cc: Peoples Counsel

E/S Tartarian Court 170 ft. +/- N of Caledonia Ave. 3229 Tartarian Court 13th Election District 1st Councilmanic District Herbert Balzanna, et ux Petitioners \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW

IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section VI.3 and .4 (Amended 1953 Regulations) Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 13 ft. and a rear yard setback of 33 ft. for a proposed 14 imes 14 ft. rear addition in lieu of the required 15 ft. and 50 ft., respectively, as more particularly described on Petitioners' Exhibit

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 3229 Tartarian Court, zoned D.R. 10.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting variances to permit a side yard setback of 13 ft. and a rear yard setback of 33 ft. for a proposed one story  $14 \times 14$  ft. addition to the rear of the property in lieu of the required 15 ft. and 50 ft. respectively.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variances would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the

Baltimore County Government

Zoning Commissioner
Office of Planning and Zoning

Enclosed please find the Amended Order regarding the above captioned

be advised that any party may file an appeal within thirty (30) days of the

date of the Amended Order to the County Board of Appeals. If you require

additional information concerning filing an appeal, please feel free to

In the event the decision rendered is unfavorable to any party, please

February 6, 1991

111 West Chesapeake Avenue

Mr. and Mrs. Herbert Balzanna

RE: Case No. 91-213-A

contact our Appeals Clerk at 887-3391.

3229 Tartarian Court

cc: Peoples Counsel

Baltimore, Maryland 21227

Dear Mr. and Mrs. Balzanna:

Towson, MD 21204

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compli-\* BEFORE THE \* ZONING COMMISSIONER ance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information avail-\* OF BALTIMORE COUNTY \* Case No. 91-213-A able, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore MINUSCHI, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section VI.3 and .4 (Amended 1953 Regulations) Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 13 ft. and a rear yard setback of 33 ft. for a proposed 14 x 14 ft. rear addition in lieu of the required 15 ft. and 50 ft., respectively, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> 2. The Petitioners shall not allow or cause the addition to be converted to a second dwelling unit and/or apartment. There shall be no bathroom or kitchen facilities.

Contract Purchaser:

Attorney's telephone number

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-213-A

ME SWEB

0-13

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section VI.3 and .4 (Amended 1953 Regulations) To permit side vard setback of 13 ft.

and a rear yard setback of 33 ft. for a proposed 14 ft. x 14 ft. rear addition

in lieu of the required 15 ft. and 50 ft., respectively of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

HOUSE IS SMALL - NEEDS STORAGE SPACE. ALSO MAKING ROOM FOR EIDERLY PARENT(S).

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm inder the

penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

N.R. BALZANNA Laoni R. Balzensa Attorney for Petitioner:

> Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

DRDERED by the Zoning Commissioner of Baltimora County, this 27 day of 100, 1990, that the subject matter of this petition be posted on the property on or before the 10 day of DEC 19 96

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Countsioner of Baltimore County

in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, at \_\_\_\_ ofclock,

ORDER RECEIVED FOR FILLIG

ZONING COMMISSIONEN OF BALTIMONE COUNTY

**AFFIDAVIT** IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

3. The Petitioners shall comply with the

December 19, 1990 interoffice correspondence from

Plans Review before obtaining a building permit.

Petitioners shall permit a representative of the

Zoning Enforcement Division to make an inspection

of the subject property to insure compliance with

ROBERT HAINES

√ Zoning Commissioner

for Baltimore County

3. Upon request and reasonable notice, the

this Order.

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at \_\_\_\_\_\_ 3229 Terterien Ct. Balte. Md. 21227

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) House is SMALL-NEEDS STORAGE SPACE.

ALSO, MAKING ROOM FOR Elderly PARENT(S).

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Herbat Balganna
AFFIANT (Handwritten Signature) HERBERT BALZAWNA AFFIANT (Printed Name)

Moni R. Balzense
AFFIANT (Handwritten Signature) N. R. BACZANNA AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of November 1990, before me, a Notary Public of the State of Maryland, in and for the County, aforesaid, personally appeared Herbert Balnanna; and Fine Naomi; Balnanna

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts bereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1100 20 1990

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

January 11, 1991

Mr. and Mrs. Herbert Balzanna 3229 Tartarian Court Baltimore, Maryland 21227

T. Wiston sanciar North

Towson, his ----

RE: Petition for Residential Zoning Variance Case No. 91-213-A

Dear Mr. and Mrs. Balzanna:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

JRH:mmn

cc: Peoples Counsel

ZONING Description
91-213-A

Beginning at a point on The Cast side of Tarlarian et at a Distance 170' for - porth of The center Line of casedonia AVE Being known as Lot 108 recorded in flat Book 22 folio 20 alson known as 3229 folio 20 alson known as 3229 folio 20 alson known as 3229 District

Baltimore County
Zoning Commission
County Office Building Zoning Commisioner County Office Building 11 West Chesapeake Avenue Towson, Maryland 21204

Cashier Validation:

FE 100EP1

F/RICE PUBLIC HEARING FEES GIO -IDNING V-RIANCE (IRL) 1 / \$35,00 080 -FOSTING BIONS / ADVERTISING 1 % \$25.00 T074L: \$:0.00 1437 MARIE OF OWNER; BALTANNA

> D4AD4#OD9OMICHRC BA C010:58AH11-27-90

Please make checks payable to: Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE DATE: December 17, 1990 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Caves Valley Club, Inc., Item No. 167 Caves Valley Club, Inc., Item No. 168 Dianna Lynn Peterson, Item No. 192 Charles F. Hohman, Item No. 213
Russell F. Morris, III, Item No. 218 Laura E. Earles, Item No. 220 Herbert Balzanna, Item No. 221 / Terrell R. Johnson, Joseph Hartman, Trustees, Item No. 224 Michael Robert Snowman, Item No. 225 Herbert J. Scism, Item No. 226 James Stabler, Item No. 232 Douglas A. Pooley, Item No. 233

In reference to the above-listed cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm NCITEMS/ZAC1 Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson MD 2120 i

887-3353

December 13, 1990

Mr. & Mrs. Herbert Balzanna 3229 Tartarian Court Baltimore, Maryland 21227

Re: CASE NUMBER: 91-213-A LOCATION: E/S Tartarian Ct., 170' (+/-) N of Caledonia Avenue 3229 Tartarian Court

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 19, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is January 3, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

DECEMBER 13, 1990

Dennis F. Rasmussen County Executive

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204 HERBET BALZANNA RE: Property Owner:

#3229 TARTARIAN COURT Location:

Zoning Agenda: DECEMBER 26, 1990 221 Item No.: Gentlemen:

this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Pursuant to your request, the referenced property has been surveyed by

REVIEWER: Capt Joseph Kelly 12-14-9° Approved Capicanic Finance, M. Approved Fire Provention Special Inspection Division

received

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

- i i i i West Chesapeake Avenue Howson, MD 21204

887-3353

Janaury 31, 199#

Mr. & Mrs. Herbert Balzanna 3229 Tartarian Court Baltimore, MD 21227

> RE: Item No. 221, Case No. 91-213-A Petitioner: Herbert Balzanna, et ux Petition for Residential Variance

Dear Mr. & Mrs. Balzanna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JAMES E. DYER Zoning Plans Advisory Committee

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 23rd day of November, 1990.

ZONING COMMISSIONER

Received By:

Zoning Plans Advisory Committee

Petitioner: Herbert Balzanna, et ux Petitioner's Attorney:

BALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE

December 19, 1990

received

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT:

ZONING ITEM #: 221 PROPERTY OWNER: Herbert Balzanna, et ux

LOCATION: E/S Tartarian Court, 170' (+/-) N of centerline of Caledonia Avenue (#3229 Tartarian Court) ELECTION DISTRICT: 13th COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ( ) PARKING LOCATION ( ) NUMBER PARKING SPACES
- ( ) RAMPS (degree slope) ( ) CURB CUTS
- ( ) BUILDING ACCESS
- ( ) SIGNAGE
- PLAN DOES, COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. 3'-Q 13 MINIMUM SEPARATION dISTANCE.
- A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).
- ( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

EALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

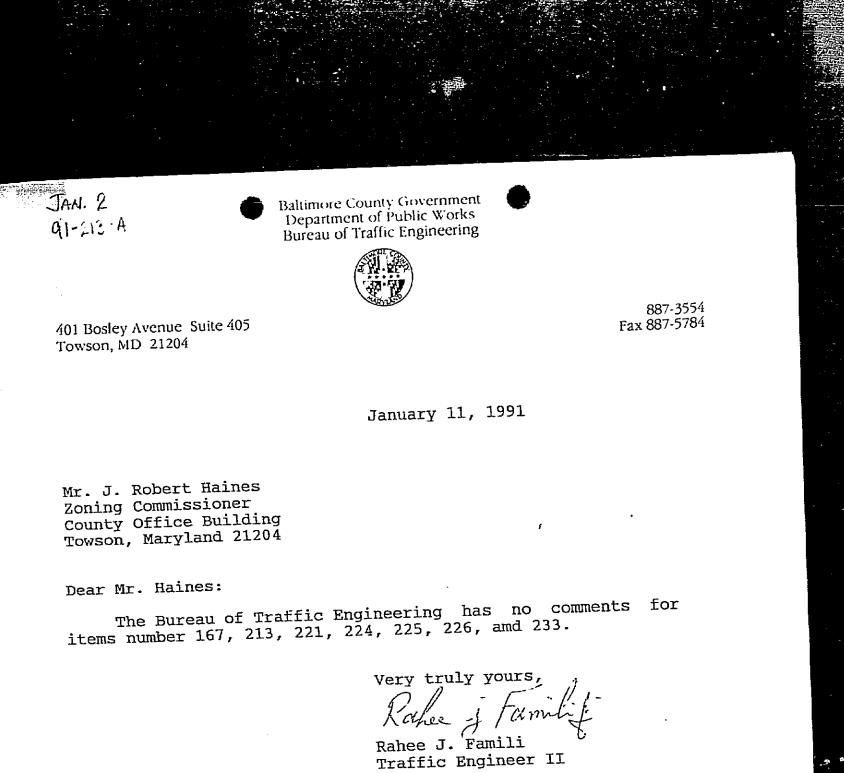
- TO: Zoning Advisory Committee DATE: December 18, 1990 FROM: Robert W. Bowling, F.E.
- RE: Zoning Advisory Committee Meeting for December 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 213, 221, 224, 225, 226, 230, and 233.

For Items 167, 168, 231 and 232, the previous County Review Group comments are applicable.

Developers Engineering Division

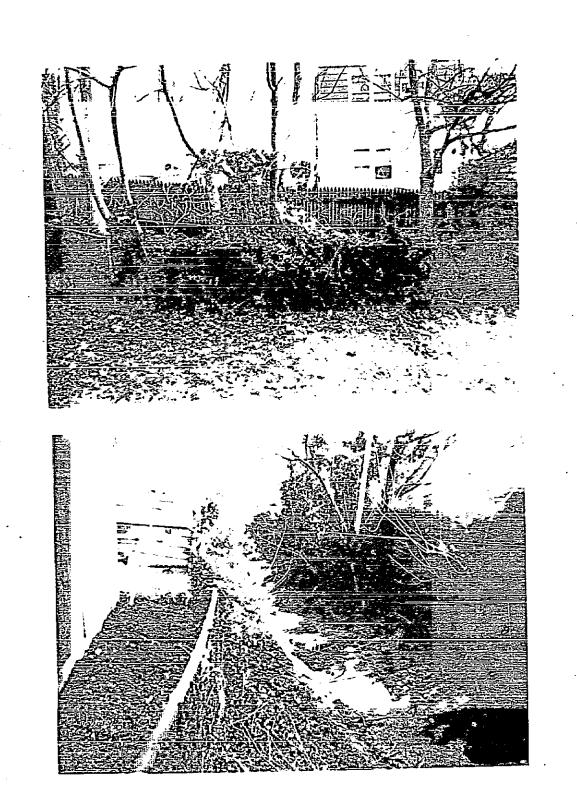
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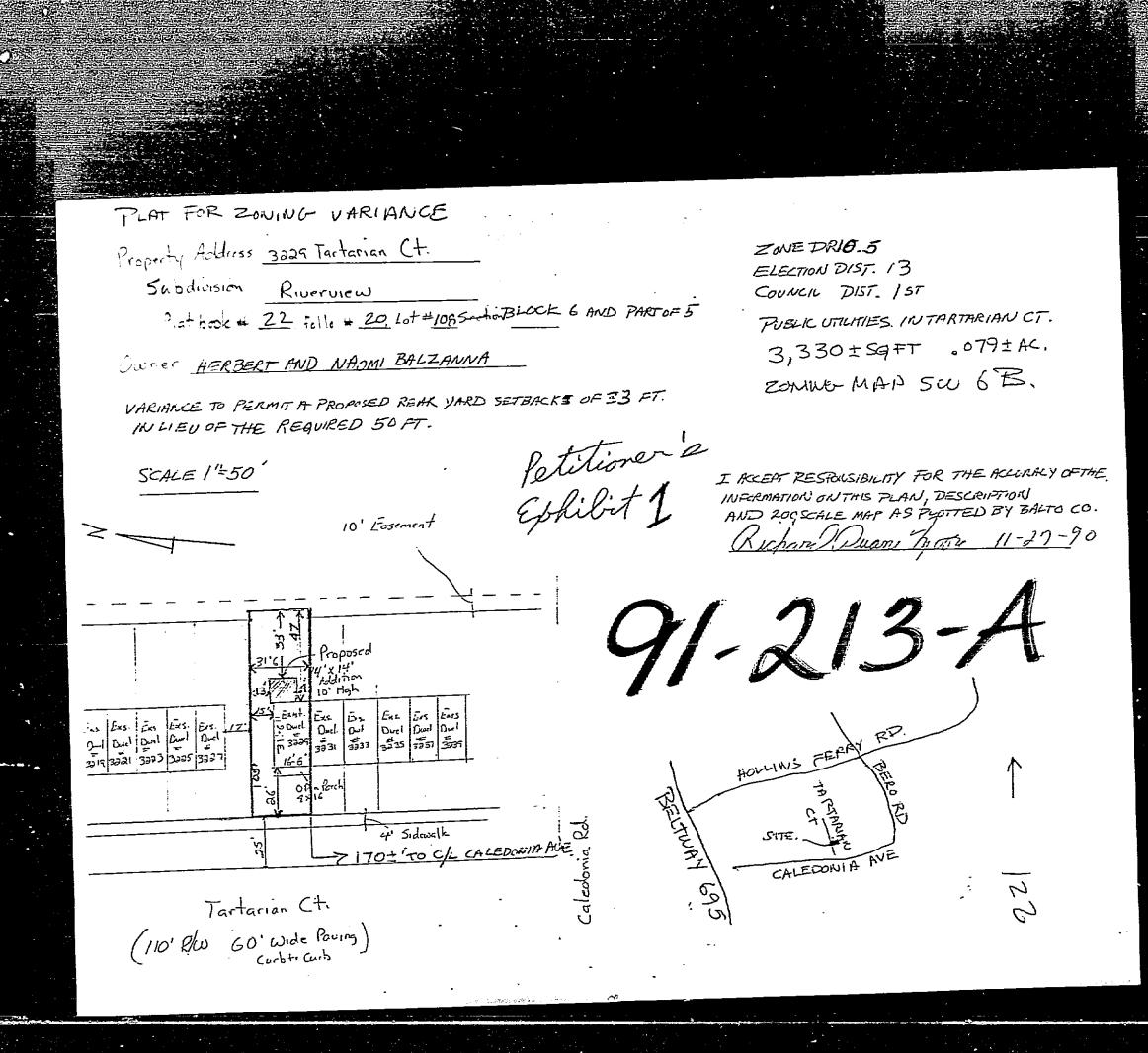
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## CASE#: 01-213-A

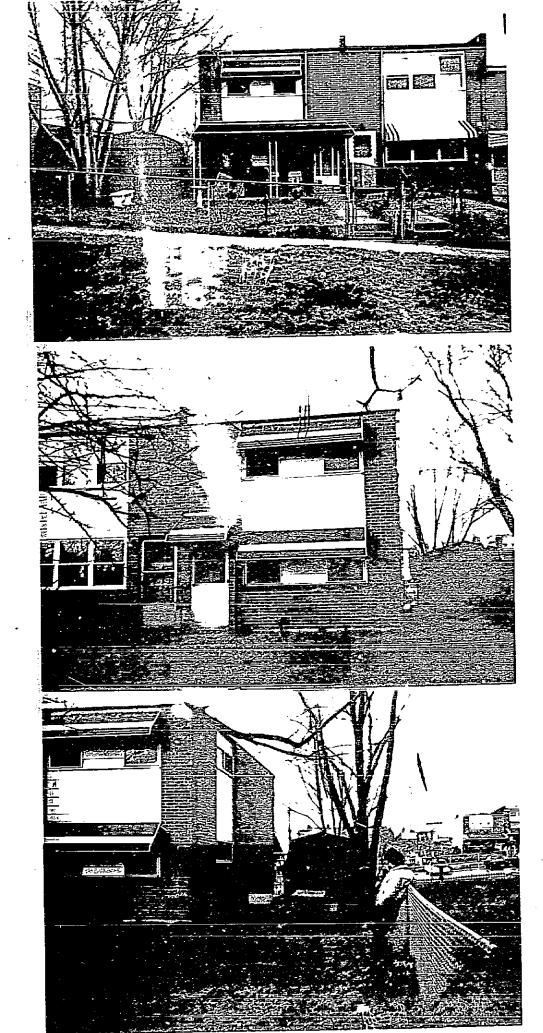
RJF/lvd



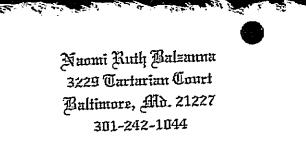
PETTTONER'S EXHIBIT #2



## CASE#: 91-213-A



CX + 3



January 23, 1001 J. Achert Lairus Zoning Cormissi ner Ealtimore County Government Office of Planning and Aoning 111 West Chesareake Avenue Towson, Maryland 21204

ZONING OFFICE

Re: Fetition for Residential Zoning Variance Case No. 91-213-A

Dear Mr. Haines:

I am in receipt of your decision rendered in the above referenced case and are hereby filing a motion for reconsideration due to the fact that you have stated there will be no bathroom facilities. A bathroom is needed for the following reasons:

My 79 year old father lived with me until his health began to deteriorate due to kidney failure at which time he went to SXXXX stay with other relatives because he could not go up and down the stairs at my house because of his fear of falling. (There is no bathroom on the first floor of my home.) He is currently in the hospital undergoing preparation for XXXXXXX dialysis which we hope will improve his health, and he will be noturning to live with me.

Also, I have a 69 year old mother and 79 year old mother—in law that I can see at some future time I will need to take them in and take core of them.

In my neighborhood, I know of one similar addition with a bathroom and I fail to understand the reasoning in your decision against a bathroom facility in my addition.

I do not have a lot of money, and in these hard economic times, the secision to spend the money for this addition was made after much thought with the idea that I would be able to help by parents and mother—in—law in their older

SITE. BALTIMOP'S
ZONING MAP NOT IN FILE. OFFICE OF PLAN, PHY
PHOTOGR?Y

MONUMENTAL BALTIMORE HIGHLANDS

